Agenda Item: 12-04 Request for Approval of Local Programs Implementing the Falls

Lake New Development Stormwater Rule, and Delegation of Further Approval Authority to the Director (Action) (John

Huisman)

Explanation:

The Falls New Development stormwater rule, 15A NCAC 2B .0277, requires fourteen local governments to prepare, adopt, and implement programs to achieve nutrient control on runoff from new development within their respective jurisdictions. In March 2011, the EMC approved a model local program developed by staff with input from stakeholders. The Falls communities submitted proposed programs for DWQ staff review in August 2011 and have made revisions based on staff comments. Staff requests that the Commission approve these local programs as meeting the minimum requirements established in Items (3) and (4) of the rule.

Staff also requests permission for the Director to grant final approval to any programs on which the Commission places contingencies upon resolution of those contingencies, and to approve any subsequent program amendments that these communities may propose from time to time. In those instances when the Director determines that approval of a modification merits additional scrutiny, the Director shall forward that issue to the Water Quality Committee for its review and deliberation.

As specified in their ordinances, local programs will begin implementing the new development requirements immediately following ordinance adoption, with adoption dates scheduled during July 2012.

Recommendation:

That the Commission approve the fourteen Falls Lake local government new development stormwater programs. That the Commission delegate authority to the Director to grant final approval to any programs on which the Commission places contingencies, upon resolution of those contingencies, and to approve any subsequent program amendments that these communities may propose.